

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, May 2, 2012 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner D'anjou.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Rizzo, Uchima, Weideman and Chairperson Skoll.

Absent: Commissioner Polcari (excused).

Also Present: Planning Manager Lodan, Planning Assistant Graham, Associate Civil Engineer Symons, Plans Examiner Noh, and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, April 27, 2012.

5. APPROVAL OF MINUTES

MOTION: Commissioner Rizzo moved for the approval of the March 7, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Uchima and passed by unanimous voice vote (absent Commissioner Polcari).

MOTION: Commissioner D'anjou moved for the approval of the March 21, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Rizzo and passed by unanimous voice vote, with Commissioner Gibson abstaining (absent Commissioner Polcari).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 10A (PRE12-00002: Kelly Hamm) indefinitely.

MOTION: Commissioner Weideman moved to continue Agenda Item 10A indefinitely. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Polcari).

Planning Manager Lodan noted that the hearing will be re-advertised and re-noticed.

7. **ORAL COMMUNICATIONS #1** – None.

Chairperson Skoll reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. **TIME EXTENSIONS** – None.

9. **SIGN HEARINGS** – None.

10. **CONTINUED HEARINGS**

10A. **PRE12-00002: KELLY HAMM (HAKIM EMAD)**

Planning Commission consideration for approval of a Precise Plan of Development to allow a new two-story single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 169 Via Pasqual.

Continued indefinitely.

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **CUP12-00006: MATTHEW WESSELS (SURF MANAGEMENT, INC.)**

Planning Commission consideration for approval of a Conditional Use Permit to allow a fitness facility on property located in the M2/P1 Zone at 2711 Plaza del Amo.

Recommendation: Approval.

Planning Assistant Graham introduced the request.

Commissioner Weideman asked about the need for Condition Nos. 4 and 5, which pertain to outdoor fitness activities in the parking lot.

Planning Manager Lodan advised that staff wants to ensure that any outdoor fitness activities do not interfere with the operation of the industrial park's parking lot.

Matt Wessels, CrossFit TSAC, applicant, voiced his agreement with the recommended conditions of approval. He explained that the gym offers one-on-one fitness training or training in small groups and it does not use a lot of equipment and focuses on large muscle groups using body weight and movement. He stated that the industrial building works well for the gym as the high ceilings allow for the throwing of medicine balls and other objects of that nature. He noted that classes last one hour including warm up and cool down and that the gym caters to law enforcement and medical personnel.

Commissioner Weideman questioned whether there would be fitness activities in the parking lot, and Mr. Wessels explained that the gym offers interval training and participants occasionally sprint around the parking lot, but this is not something that is done every day.

Chairperson Skoll asked if there would be competitions at the gym, and Mr. Wessels stated that his clients participate in competitive events but they will not take place at this facility.

Commissioner Rizzo noted that the hours of operation listed in the staff report differ from the hours of operation listed in the handout provided by the applicant.

Planning Manager Lodan advised that staff did not include a condition limiting the gym's hours of operation and instead included a condition (Condition No. 6) limiting the number of clients and instructors who may be on-site at any given time to avoid impacting the surrounding businesses.

Mel Glass, 2621 Plaza del Amo, reported that there is currently a gym operating in this industrial building and he was not sure whether it's the applicant or another gym, but equipment has been pulled out into the parking lot and people are working out as early as 6:00 a.m. He indicated that he was not opposed to a gym at this location as long as it does not bother nearby residents and related his understanding that businesses in this industrial park may not begin working before 7:00 a.m. or after 10:00 p.m. due to the close proximity to residences. He stated that the 9:00 a.m. start time listed for Saturdays might be a little early for some people although it does not bother him and asked that the gym be prohibited from operating on Sundays.

Planning Manager Lodan indicated that he was not aware of another gym operating in this industrial building.

Maureen Kamata, 2615 Plaza del Amo, stated that she believes CrossFit is the gym that is currently operating on this site and she has been subjected to noise in the parking lot as early as 5:30 a.m. She explained that the noise includes the sound of heavy equipment being dragged out into the parking lot and boot-camp type chanting while jogging. She reported that the situation has improved in the past couple of months, however, she felt it would be best to confine all activity to inside the building to avoid impacting neighbors.

Mr. Wessels stated that when he originally applied for a business license, the gym was going to be located in downtown Torrance, but another gym opened up nearby so he changed to this location, which is also managed by Surf Management. He explained that he was under the impression that the paperwork he filed earlier was sufficient for the new location so he went ahead and opened the gym, but he was later informed by Planning Assistant Yumul that he had to obtain a Conditional Use Permit. He reported that the gym now keeps the doors closed in the early morning hours and limits the class size to avoid impacting neighbors.

Commissioner Gibson asked how long the gym has been operating. Mr. Wessels stated that it has been operating for one year and he's been going back and forth with the property manager and Planning Assistant Yumul the whole time trying to get things straightened out.

Commissioner Uchima noted that the residences to the east are relatively close so he understood how noise in the parking lot, particularly in the early morning hours, could be a problem.

Mr. Wessels stated that the gym has changed the way it operates and no longer has early morning classes running in the parking lot.

Commissioner Rizzo pointed out that according to Condition No. 4 (*That there shall be no outdoor fitness activities that encroach into any fire lanes, drive aisles, parking areas or handicap access areas*) the applicant will be prohibited from conducting any fitness activities in the parking lot.

Assistant City Attorney Sullivan advised that Condition No. 4 could be interpreted to mean that there shall be no of placing equipment in the parking lot that interferes with the drive aisles, fire lanes, etc., and recommended replacing the words “that encroach into” with the word “in” if the Commission wishes to prohibit any activity in the parking lot.

Commissioner Weideman noted that Condition No. 5 (*That should outdoor fitness activities become an issue to the surrounding area or businesses, the Community Development Director shall notify the applicants to cease such activities immediately*) becomes superfluous and should be deleted if Condition No. 4 is modified as Assistant City Attorney Sullivan proposed.

Chairperson Skoll asked if Mr. Wessels concurred with the proposed changes, and Mr. Wessels indicated that he had no objection as long as the coming and going of clients is not misconstrued as “fitness activities.”

Commissioner Gibson expressed concerns that this gym has been operating for a year without a license and questioned whether the Commission would be setting a precedent by approving the application.

Assistant City Attorney Sullivan advised that approving the application would not set a precedent, however if there are concerns about the operation, Commissioners can always vote to deny the project.

MOTION: Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Polcari).

A brief discussion ensued regarding the gym’s hours of operation.

Commissioner Rizzo suggested setting a 7:00 a.m. start time, noting that even without any outdoor activities, noise from vehicles pulling in and out, blaring car radios, and the slamming of car doors could disturb nearby residents.

Commissioner D’anjou stated that she was reluctant to eliminate the 6:00 a.m. – 7:00 a.m. time slot since this is a popular time for people to exercise and noise should not be a problem because class sizes are small and activity will be confined to inside the building.

Commissioner Gibson indicated that she was inclined to favor a 7:00 a.m. start time because nearby residents have already suffered for a year while this gym has been operating without a business license.

Discussion continued, and it was the consensus of the Commission to limit the hours of operation Monday through Saturday and to prohibit the gym from operating on Sunday.

MOTION: Commissioner Weideman moved to approve CUP12-00006, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Modify

- No. 4 That there shall be no outdoor fitness activities ~~that encroach into~~ in any fire lanes, drive aisles, parking areas or handicap access areas.
- No. 6 That the fitness facility shall be limited to no more than six clients and two instructors. ~~during weekday business hours and limited to no more than three people total during weekdays between 8:00 a.m. and 6:00 p.m.~~ The hours of operation shall be 6:00 a.m. to 6:00 p.m. on weekdays, 9:00 a.m. to 6:00 p.m. on Saturdays, with no operation on Sundays.

Delete

- No. 5 That should outdoor fitness activities become an issue to the surrounding area or businesses, the Community Development Director shall notify the applicants to cease such activities immediately.

The motion was seconded by Commissioner D'anjou and passed by a 5-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Polcari).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 12-024.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 12-024 as amended. The motion was seconded by Commissioner D'anjou and passed by a 5-1 roll call vote with Commissioner Gibson dissenting (absent Commissioner Polcari).

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS**

15A. **MIS11-00265: KARYN MADICK**

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow single-story additions to an existing one-story, single-family residence, including a garage reorientation, on property located within the Hillside Overlay District in the R-1 Zone at 605 Paseo de los Reyes.

Recommendation: Approval.

Planning Assistant Graham introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Karyn Chamberlain (formerly Madick), 605 Paseo de los Reyes, applicant, noted that she submitted written material detailing neighbors' objections to the project and her rebuttal along with photographs (supplemental material). She reported that the appellants' (Jim Atkins and Margaret Walker) main objection to her project is the conversion of the existing swing-in driveway to a straight-in driveway and she has tried very hard to reach a compromise, but the only solution they have offered, which is to move the garage/driveway to the other side of the lot, is not feasible. She noted that Mr. Atkins has complained that he will be able to see her car in the driveway, but he parks his trailer, truck and car in his driveway so it seems to be a case of "do as I say, not as I do." She stated that the appellants also claim that they want to preserve the historical character of neighborhood, however, their home has been enlarged and a backyard pool has been added. She reported that she has been harassed by this neighbor and had a laser light shined in her face, but hopes the dispute can be resolved because she has a lot of stress at work and does not want to live in a hostile environment. She urged the Commission to uphold the Community Development Director's decision and approve the project.

In response to Commissioner Weideman's inquiry, Ms. Chamberlain confirmed that she was willing to use the services of the South Bay Center for Dispute Resolution to try to reach a compromise, noting that she had already obtained paperwork from the center to give to the appellants.

Jim Atkins, 601 Paseo de los Reyes, appellant, disputed Ms. Chamberlain's claim that a laser light was shined in her face, explaining that he has a light to deter raccoons, but it is positioned below the fence and does not shine into her property. He reported that his pool was put in by the previous owner and that his trailer was parked in his driveway for a total of one month over a 2½ year period and the rest of the time it has been stored. Referring to written material and photographs submitted for the record, he stated that the applicant has contended that there are a lot of straight-in driveways in the area, however, discounting corner properties, which were designed with straight-in driveways according to the original master plan, there are actually very few. He noted that the applicant mentions that there are side-by-side driveways at 109 and 113 Calle de Arboles, but these were also part of the master plan and when people bought these homes they knew of this arrangement, it was not a case of a neighbor changing the driveway configuration after the fact. He maintained that the applicant has never used her garage, therefore her car will be in constant view and his kitchen will "light up like a sunrise" when she pulls into the driveway at night. He urged the Commission to preserve the harmony created by the original master plan.

Commissioner Weideman questioned how this project violates the Hillside Ordinance since seeing a car parked in a driveway is not what he would consider to be a view impact, noting that this project would be approved without a hearing if it was not in the Hillside Overlay.

Mr. Atkins stated that he did not believe the project was in harmony with the neighborhood.

Mary Jo Burger, 404 Via Malaga, noted that she and her husband purchased their home almost 50 years ago and provided background information about the origins of the tract. She explained that the tract was designed for returning World War II veterans and featured larger than typical homes on big lots that provided a great deal of privacy and the New York architect hired to design the tract was inspired by the French Riviera. She voiced objections to the awkward placement of the new driveway and urged the Commission to preserve the integrity of the tract's original design.

Glenn Smith, 609 Paseo de los Reyes, reported that he remodeled his home three years ago and the remodel included a new office that has an expansive city view. He stated that the applicant has assured him that this view will not be impacted by the proposed project, but there seems to be a discrepancy in the maximum heights listed in the staff report and his personal observations. He requested that the project be silhouetted to alleviate his concerns.

Gail Smith, 609 Paseo de los Reyes, stated that she and her husband do not want to stop the project, they just want to be sure that the view from their office is not obstructed since they have spent a lot of time and money on their remodeling project. She emphasized the importance of the view to the value and enjoyment of their property.

In response to questions from the Commission, Assistant City Attorney Sullivan advised that while erecting a silhouette is not required for Minor Hillside Exemptions, the Commission has requested that an applicant do so in cases where there has been controversy.

Bob Garsten, project architect, offered to have the height of the project certified after the project has been framed to ensure that the height matches the height on the plans.

Mr. Smith explained that he wanted to see the height before constructions begins otherwise it could be too late to make changes.

Margaret Walker, 601 Paseo de los Reyes, clarified the pool and addition were already completed when the home was purchased. She explained that she was not opposed to the project, she just wants the original curb cut/driveway to be used so the large expanse between their driveways can be maintained for purposes of privacy, safety and harmony of design. She questioned how the project could be approved when four out of six neighbors or 66% did not sign off on it.

Returning to the podium, Ms. Chamberlain explained that her addition cannot be accommodated using the original driveway and contended that the appellants' request that she do so was unreasonable and would create a hardship. She pointed out that there are already side-by-side driveways on this street as shown in a photograph she submitted. She related her belief that the project would beautify the neighborhood, noting that it complies with all codes and regulations.

In response to Commissioner Weideman's inquiry, Ms. Chamberlain indicated that she was willing to continue the hearing and erect a silhouette in order to resolve her neighbors' concerns about the height of the project.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote (absent Commissioner Polcari).

The Commission briefly discussed the scheduling of the hearing, and the public hearing was reopened so Ms. Chamberlain could comment.

Ms. Chamberlain asked that the hearing be continued to May 16, explaining that even though her architect will not be available, she was anxious to proceed because the project has been in the works for several months.

MOTION: Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Polcari).

MOTION: Commissioner Weideman moved to continue the hearing to May 16, 2012. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Polcari).

For the benefit of the parties involved, Commissioner D'anjou noted that if the only issue in this case was the driveway, she would have voted to deny the appeal and approve the project rather than continuing the hearing.

The Commission briefly recessed from 9:00 p.m. to 9:10 p.m.

15B. MIS12-00016: TONY LEE

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow single-story additions to an existing one-story single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 2504 Dalemead Street.

Recommendation: Approval.

Assistant City Attorney Sullivan disclosed that he lives in this neighborhood but is outside the notification area.

Commissioner Rizzo disclosed that he viewed the property but had no contact with any of the parties involved.

Tony Lee, 2504 Dalemead Street, applicant, voiced his agreement with the recommended conditions of approval. He stated that he currently lives in North Torrance and bought the subject property last year because it is closer to South High where his daughter attends. He reported that he was proposing a small addition and shared the plans with 14 of his neighbors as required for the sign-off process and was able to obtain the signatures of all but one – the neighbor at 2508 Dalemead who was concerned about privacy impact to his backyard. He explained that currently there is an ivy-covered fence that is approximately 5'6" tall that blocks the view into this neighbor's backyard and neither he nor his wife and two daughters can see over the fence since they are all shorter than this. He noted that staff also concluded that there was no visibility from his property into the appellant's backyard and requested that the Commission deny the appeal and approve the project.

David Lapoff, 2508 Dalemead Street, appellant, expressed concerns about the addition's impact on the privacy of his backyard, submitting photographs to illustrate. Noting that the subject property is 11 feet higher in elevation than his property, he contended that almost his entire backyard would be visible from the two north-facing windows in the new addition. He reported that Mr. Lee originally offered to move the addition further away from his property, but changed his mind due the cost involved and he later offered to build a fence, but again changed his mind. He indicated that the fence was an acceptable solution, however, he wanted assurance that the fence would remain in place permanently through the recording of a legal covenant. He requested assurance that this project will not restrict his ability to improve his property in the future.

In response to Commissioner Rizzo's inquiry, Mr. Lapoff reported that the existing fence is entirely on applicant's property, explaining that Mr. Lee's property extends approximately 14 feet beyond the fence.

Commissioner Weideman suggested the possibility of addressing the privacy impact by modifying or eliminating the two north-facing windows.

Mr. Lapoff stated that this might be an acceptable solution, but he wanted to think about it and discuss it with his wife. The Commission briefly entertained the idea of modifying the windows.

As an alternative, Mr. Lee offered to raise the height of the fence by 6 inches, and Mr. Lapoff confirmed that a six-foot high fence would mitigate his privacy concerns as long as the fence is solid, but expressed concerns that the fence could be torn down in the future.

Assistant City Attorney Sullivan advised that Conditions of Approval run with the land, therefore if the Commission imposes a condition requiring the fence, this owner and any future owner would have to maintain it.

MOTION: Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Polcari).

MOTION: Commissioner Weideman moved for the approval of MIS12-00016, as conditioned, including all findings of fact set forth by staff, with the following modification:

Add

- That the applicant shall install a solid six-foot high fence at the top of the slope to the satisfaction of the Community Development Director.

The motion was seconded by Commissioner D'anjou and passed by a 5-1 roll call vote with Commissioner Gibson dissenting (absent Commissioner Polcari).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 12-026.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 12-026 as amended. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Polcari).

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS – None.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed that agenda for the May 16, 2012 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Commissioner Uchima requested an excused absence for the May 16, 2012 Planning Commission meeting because he will be on vacation, and hearing no objection, Chairperson Skoll so ordered.

18B. Commissioner Gibson noted that there is a possibility that she might also miss the May 16 meeting.

18C. Commissioner Rizzo reported on his attendance at the National American Planning Association Conference in downtown Los Angeles on April 15 and 16. He noted that he attended the following sessions: Better Decision Making for Planning Commissioners; Managing Complex Relations in Planning; Ethics for Planning Commissioners and Officials; Threatened Planning and the Planning Commission; and What's Happening in America - and offered a brief summary of each session.

Commissioner Rizzo shared information from the *What's Happening in America* session on demographics and population trends, including the fact that there is no ethnic majority in the state of California according to 2010 census data and that the South Bay has two cities on the list of the 10 best places to be rich and single – Manhattan Beach at No. 2 and Hermosa Beach at No. 4. He noted that the session emphasized that cities like Torrance that plan for the future are more resilient than those that do not.

Commissioner Rizzo reported that during the *Threatened Planning and the Planning Commission* session he learned of Agenda 21, a United Nations resolution related to sustainable development, which apparently contains a lot of communist/socialist rhetoric that certain groups have misinterpreted to be an attempt to deprive individuals of their property and their rights. He explained that this conspiracy theory group has linked itself to the Tea Party and has been known to disrupt meetings where sustainable developments are being considered and there have been incidents involving threats to planning staff, planning commissioners and other public officials and acts of vandalism. He expressed an interest in learning more about this group because there are concerns that this type of activity could spread.

Assistant City Attorney Sullivan offered to discuss this matter with the Intelligence Section of the Police Department.

Commissioner Rizzo noted that he visited a vendor booth operated by the United States Sign Council (USSC), a non-profit organization, and picked up a copy of a 2004 study from Penn State University on electronic reader board signs, which commissioners might find interesting, and he also picked up a model sign code developed by the USSC, which could serve as a reference material.

Assistant City Attorney Sullivan reported that the City's sign ordinance needs to be revised and he will be working on it with Community Development staff. He confirmed that this will be done before the Commission has another sign hearing.

18D. Commissioners and Chairperson Skoll thanked Commissioner Rizzo for his very thorough and interesting report on the conference.

18E. Assistant City Attorney Sullivan noted that there is a group of residents who plan to propose that the City adopt a tree ordinance at the May 15 City Council meeting.

19. ADJOURNMENT

At 10:35 p.m., the meeting was adjourned to Wednesday, May 16, 2012 at 7:00 p.m.

Approved as Submitted June 6, 2012 s/ Sue Herbers, City Clerk
